

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

Approved on 5/13/15.
s/William T. Lawrence, Judge

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID LEE HARRINGTON,
Defendant.

)
)
)
)
)
)
)

1:07-cr-00106-WTL-KPF-2

STIPULATION REGARDING MODIFICATION OF SENTENCE
PURSUANT TO 18 U.S.C. § 3582

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by counsel, Josh J. Minkler, Acting United States Attorney, and Matthew Brookman, Assistant United States Attorney, and Defendant David Lee Harrington by counsel, Sara Varner, that:

1. On October 30, 2008, David Lee Harrington was sentenced to 140 months imprisonment based upon a guideline range of 140-175 months (reflecting a final offense level of 29 and a criminal history category of V).

2. On November 1, 2014, the guideline range under which Mr. Harrington was sentenced was lowered by the U.S. Sentencing Commission under Amendment 782, and the Amendment was thereafter made retroactive by unanimous vote of the Commission. Under this Amendment Mr. Harrington's guideline range is 120-150 months (reflecting a final offense level of 27 and a criminal history category of V).

3. Upon review of the underlying facts of the case the parties agree that Mr. Harrington is entitled to request relief pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10 and Amendment 782.

4. Based upon the foregoing, the parties hereby stipulate that a sentence reduction of 20

months (from 140 to 120 months) is appropriate in this matter.

5. The parties further stipulate that the remaining components of Mr. Harrington sentence shall remain unchanged.

6. Undersigned counsel's office has been in contact with Mr. Harrington who consents to this entry on his behalf. Mr. Harrington stipulates that he waives and does not request a hearing in this matter pursuant to Fed. R. Crim. P. 43 and 18 U.S.C. §3582(c)(2).

7. The parties agree and stipulate that an Order may be entered by this court reducing Defendant's sentence to a term of 120 months.

Date: May 12, 2015

Respectfully submitted,

s/Sara J. Varner

Sara J. Varner, Counsel for Defendant

s/Matthew Brookman

Matthew Brookman

Assistant United States Attorney